

Ekwan E. Rhow (CA SBN 174604)
erhow@birdmarella.com
Marc E. Masters (CA SBN 208375)
mmasters@birdmarella.com
Christopher J. Lee (CA SBN 322140)
clee@birdmarella.com
BIRD, MARELLA, BOXER,
WOLPERT, NESSIM, DROOKS,
LINCENBERG & RHOW, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone: (310) 201-2100
Facsimile: (310) 201-2110

Jonathan M. Rotter (CA SBN 234137)
Kara M. Wolke (CA SBN 241521)
Gregory B. Linkh (*pro hac vice*)
GLANCY PRONGAY & MURRAY,
LLP
1925 Century Park East, Suite 2100
Los Angeles, California 90067-2561
Telephone: (310) 201-9150
jrotter@glancylaw.com
kwolke@glancylaw.com
glinkh@glancylaw.com

Attorneys for Plaintiffs

Kalpana Srinivasan (CA SBN 237460)
Steven Sklaver (CA SBN 237612)
Michael Gervais (CA SBN 330731)
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars
14th Floor
Los Angeles, CA 90067
Telephone: (310) 789-3100
ksrinivasan@susmangodfrey.com
ssklaver@susmangodfrey.com
mgervais@susmangodfrey.com

Y. Gloria Park (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1301 Ave. of the Americas
32nd Floor
New York, NY 10019
Telephone: (212) 336-8330
gpark@susmangodfrey.com

John W. McCauley (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
jmccauley@susmangodfrey.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BERNADINE GRIFFITH, *et al.*,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

TIKTOK, INC, a corporation; and
BYTEDANCE, INC., a corporation,

Defendants.

CASE NO. 5:23-cv-00964-SB-E

**NOTICE OF MOTION AND
UNOPPOSED MOTION TO
MODIFY CASE MANAGEMENT
ORDER [DKT. 142] AND
CONTINUE DEADLINES;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Date: October 11, 2024
Time: 8:30 a.m.
Crtrm.: 6C

Assigned to Hon. Stanley Blumenfeld,
Jr.
Courtroom 6C

Action Filed: May 26, 2023
Trial Date: Jan. 20, 2025

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, PLEASE TAKE NOTICE that Plaintiffs Bernadine Griffith, Patricia Shih, Rhonda Irvin, and Jacob Watters will, and hereby do, move this Court for an order to modify the Case Management Order [Dkt No. 142] to continue certain deadlines as follows:

<u>Event</u>	<u>Prior Dates</u>	<u>Prior Dates</u>	<u>Prior Dates</u>	<u>Requested New Dates</u>
Trial	09/30/24	11/25/24	01/20/25	06/16/25
Pretrial Conf.	09/13/24	11/08/24	01/10/25	06/06/25
Initial Expert Disclosure Due	04/26/24	07/19/24	9/20/24	02/21/25
Rebuttal Expert Disclosure Due	05/10/24	08/09/24	10/11/24	03/12/25
Fact Discovery Cutoff	05/10/24	08/09/24	10/11/24	03/12/25
Expert Discovery Cutoff	06/07/24	08/23/24	11/01/24	04/01/25
Discovery Motion Hearing Cutoff	06/07/24	08/23/24	11/01/24	04/01/25
Non-Discovery Motion Hearing Cutoff	06/21/24	08/23/24	11/01/24	04/01/25
Settlement Conf. Deadline	07/05/24	08/30/24	11/08/24	04/08/25
Post-Settlement Status Conference Report Due	07/12/24	09/06/24	11/15/24	04/15/25
Post-Settlement Conf.	07/19/24	09/13/24	11/22/24	04/22/25
Trial Filings (1st Set)	08/16/24	10/11/24	12/13/24	05/09/25
Trial Filings (2nd Set)	08/30/24	10/25/24	12/27/24	05/23/25

Good cause exists for an extension of these dates. Despite Plaintiffs’ diligence, Defendants failed to produce the vast majority—over 85%—of their documents until the end of the discovery period, despite their previous agreement not to produce a “last-minute document dump.” ECF No. 134 at 14. In the past month, Defendants have produced over 200,000 documents running more than 2.3 million pages, and they have informed Plaintiffs that their production still is not complete. This late production prevented Plaintiffs from using these documents in prior depositions and in connection with their motion for class certification. Plaintiffs should have the

1 opportunity to review these documents, to depose Defendants’ witnesses about them,
2 to use them in expert reports, and to incorporate them into Plaintiffs’ case strategy.

3 Defendants have stated that while they disagree with Plaintiffs’ framing of the
4 issues in this Motion, they do not oppose the relief sought.

5 The Motion is based upon this Notice of Motion and Motion, the attached
6 Memorandum of Points and Authorities, the Schedule of Completed Work attached
7 as Exhibit A hereto, the Declaration of Gregory B. Linkh submitted herewith (“Linkh
8 Declaration” or “Linkh Decl”), accompanying exhibits, all of the papers on file in this
9 action, and upon such other and further evidence or argument that the Court may
10 consider.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Despite their diligence, Plaintiffs have twice already had to move for extensions
4 of the deadlines in this case due to Defendants’ discovery delays. *See* Dkt. 82 & 134.
5 In their last motion, filed in April, Plaintiffs explained that nearly a year into this case,
6 Defendants had still produced very few documents from their identified custodians.
7 Dkt. 135 at 10-12. To forestall a motion to compel production of their custodial
8 documents, Defendants reached an agreement with Plaintiffs. That agreement was
9 laid out in Plaintiffs’ motion to modify the case schedule (Dkt. 134 at 10-12, 13-14),
10 and Plaintiffs relied on Defendants’ agreement in taking depositions, developing
11 expert testimony, moving for class certification, and preparing for summary judgment
12 and trial.

13 Among other things, Defendants agreed (1) “to produce [their] custodians’
14 documents in the ordinary course and *not wait for a last-minute document dump*,”
15 (2) “to make all reasonable efforts to *produce documents in approximately equal*
16 *increments* every three weeks,” (3) “to ensure that documents Plaintiffs wish to
17 prioritize are *not withheld until the end*,” (4) to adhere to a “substantial complete date
18 for production of documents at least one month prior to the fact discovery cutoff,”
19 and (5) “to make all reasonable efforts to produce all such documents [for a custodian
20 being deposed] *at least one week prior to such custodian’s deposition*.” Dkt. 134 at
21 13-14 (emphasis added).

22 Unfortunately, it has recently become clear that Defendants did not abide by
23 this agreement. Defendants’ document production has been ***heavily*** backloaded, with
24 more than 85% of their documents produced in the last month—which is the very
25 definition of a “last-minute document dump.” And Defendants’ production still is not
26 complete. In addition, their recent productions include thousands of documents from
27 Rule 30(b)(6) and fact witnesses whom Plaintiffs deposed months ago—another
28 violation of the parties’ agreement. As a result, Plaintiffs have suffered significant

prejudice to their ability to litigate this case, warranting an extension of the case deadlines. Plaintiffs seek approximately five additional months.¹

II. BACKGROUND

Plaintiffs’ previous motions to modify the case schedule (Dkt. 82 & 134) and the Schedule of Completed Work attached to this motion as Exhibit A, discuss in detail Plaintiffs’ diligence in pursuing discovery in this case. Defendants made their first production of documents in August 2023. Linkh Decl, ¶ 3. Over the course of the next year, through July 2024, they produced forty-six installments containing altogether 32,214 documents and 220,429 pages. *Id.* at ¶ 4. Then, in the last month, with the October 11 discovery cutoff approaching, Defendants produced 200,259 documents spanning 2,312,568 pages. In other words, Defendants did not produce the majority of their production—86.14% by document count and 91.30% by page volume—until the end of the discovery period. Nearly all these documents were produced after the August 16 class certification hearing. *Id.* at ¶ 5.

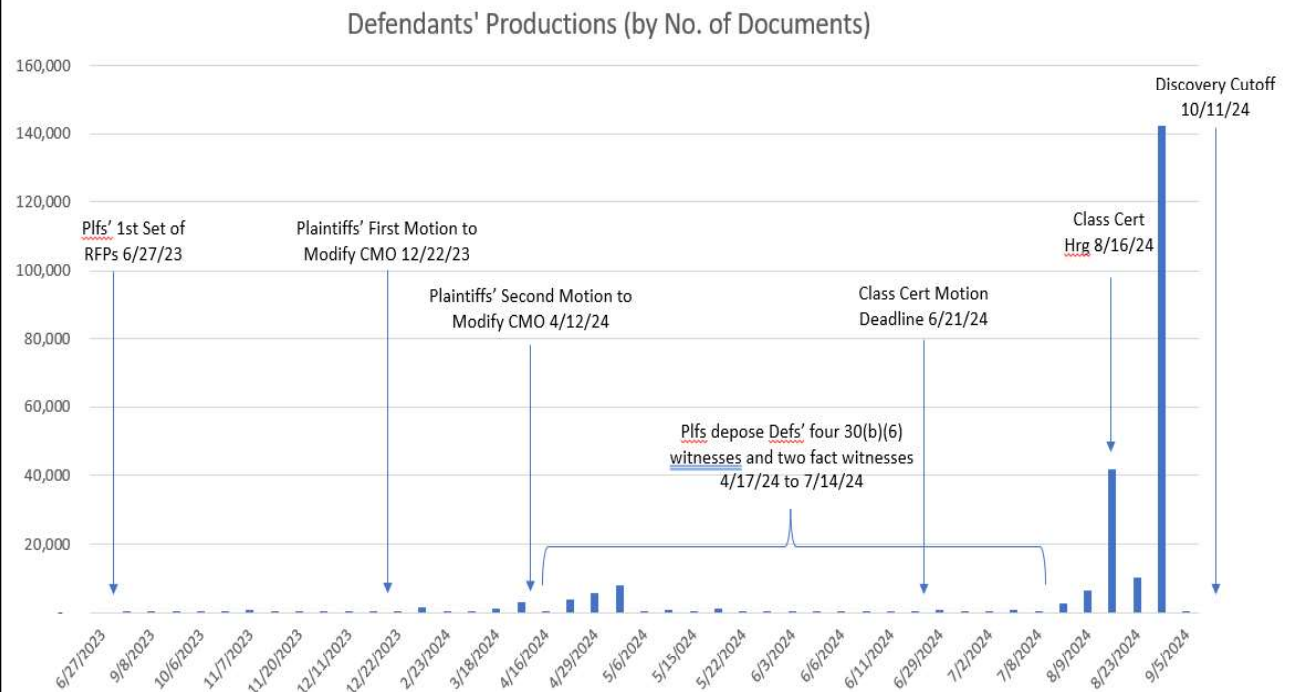
The following table summarizes Defendants’ productions to date:

Production Dates	Production Volumes	Bates Ranges	Documents	Pages
8/8/23 to 7/19/24	TTBG001 to TTBG046	TIKTOK-BG-000000001 – 220429	32,214	220,429
8/9/2024	TTBG047	TIKTOK-BG-000220430 – 290181	6,248	69,752
8/16/2024	TTBG048	TIKTOK-BG-000290182 – 669887	41,666	379,706
8/23/2024	TTBG049	TIKTOK-BG-000669888 – 746560	10,112	76,673
9/4/2024	TTBG050 to TTBG052	TIKTOK-BG-000746561 – 2532927	142,222	1,786,367
9/5/2024	TTBG053	TIKTOK-BG-002532928 – 2532997	11	70

Id. at ¶ 6.

¹ If necessary, Plaintiffs will also file an *ex parte* application to advance the hearing date on this motion.

The bar chart below displays Defendants' productions over time, alongside relevant events in the case. (This chart plots document count on the y-axis. Using page count would yield a similar picture.)



Defendants' document production, moreover, is still ongoing. Counsel confirmed following a meet-and-confer last week that Defendants may produce up to approximately 70,000 additional documents in the coming week.² *Id.* at ¶ 11, Exhibit 1. And Defendants still have not committed to a timeline for producing documents responsive to Plaintiffs' last three sets of document requests, which were served in May 2024.

Id. at ¶ 9.

Defendants' recent productions include thousands of custodial documents from witnesses whom Plaintiffs deposed months ago, as summarized below:

² Defendants produced two new volumes of documents on September 9 and 10, 2024. Though Plaintiffs' vendor is still processing those productions, preliminary statistics indicate that they contain more than 37,000 additional documents.

Witness	Deposition Date	New Custodial Documents Produced in Aug/Sep 2024
Branky Shao [30(b)(6) witness]	6/7/2024	14,262
Yunfeng Wei	7/14/2024	5,576
Lizzie Li [30(b)(6) witness]	6/5/2024	4,955
Simran Sahni [30(b)(6) witness]	6/18/2024	2,778
Dan Kirchgessner [30(b)(6) witness]	4/17/2024	582
Becca Wong	5/17/2024	298

Id. at ¶ 12.

Plaintiffs had no notice or forewarning that Defendants would produce such a large set of documents at the end of fact discovery, let alone over 85% of their entire production. On the contrary, Plaintiffs sought to prevent that from happening. That was the point of the agreement memorialized in Plaintiffs’ last motion to modify the case schedule in April, before depositions got underway. At that time, Defendants agreed to produce deponents’ custodial documents before their depositions and to deliver their documents in approximately equal installments every few weeks. Dkt. 134 at 13-14. As the figures above establish, Defendants did not do that. Defendants also promised not to give Plaintiffs a “last-minute document dump.” *Id.* Yet that is precisely what they have now done.

Plaintiffs have so far been able to review only a portion of Defendants’ recent productions. But even that limited review suggests these productions include material information that is relevant to Plaintiffs’ key claims. For example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
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12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Plaintiffs and their experts should have had the opportunity to review and use
26 these documents and others like them in depositions taken earlier this year, in
27 connection with class certification, and otherwise. But Defendants' late production of
28 the majority of their documents prevented Plaintiffs from doing so. Without an

1 extension of the remaining case deadlines, Plaintiffs will suffer further prejudice.

2 **III. ARGUMENT**

3 The Court has inherent authority to control its calendar. *See Yong v. I.N.S.*, 208
4 F.3d 1116, 1119 (9th Cir. 2000). It may extend case deadlines upon a showing of good
5 cause and lack of prejudice to the opposing party. *Johnson v. Mammoth Recreations,*
6 *Inc.*, 975 F.2d 604, 609-10 (9th Cir. 1992); Fed. R. Civ. P. 16(b)(4). To show good
7 cause, a moving party must provide specific reasons for granting an extension and
8 demonstrate its diligence in the litigation. *Id.*

9 As shown above and in the attached Exhibit 1, Plaintiffs have diligently
10 pursued discovery in this case. When necessary, they have timely sought and obtained
11 the Court's assistance in getting relevant discovery from Defendants. *See* Dkts. 64,
12 78, 117, 130. In April, Plaintiffs were prepared to file a motion to compel Defendants
13 to produce the custodial documents at issue here. *See* Dkt. 134 at 7-8. Plaintiffs held
14 off on filing that motion only because Defendants agreed to produce their documents
15 without a Court order. *Id.* Specifically, Defendants agreed to produce their documents
16 in roughly equal installments, before each custodian's deposition, and without any
17 "last-minute document dump." *Id.* at 13-14. The relief sought by Plaintiffs here is to
18 address Defendants' failure to abide by that agreement. It is not the result of any delay
19 or lack of diligence by Plaintiffs.

20 It would take a team of attorneys *months* to review all the approximately
21 200,000 documents in Defendants' recent productions, especially because many of
22 the documents are technical in nature and many are in Chinese. But Plaintiffs will
23 endeavor to get through the documents more efficiently, in approximately six to seven
24 weeks, with the help of predictive-coding technology. Plaintiffs may require
25 additional time to review the 70,000 or so additional documents which Defendants
26 have yet to produce. Plaintiffs then intend to depose Defendants' witnesses,
27 potentially including re-depositions of witnesses for whom Defendants have now
28 produced additional custodial documents, as described above. Plaintiffs' expert

witnesses will need to incorporate Defendants' new documents and depositions into their analysis and reports. Given the scale of these tasks, Plaintiffs believe a five-month extension is reasonable and warranted.

An extension will not prejudice Defendants. Defendants have indicated that, although they do not join in this Motion, they do not oppose the relief sought.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant this motion and modify the remaining deadlines in the Case Management Order as follows:

<u>Event</u>	<u>Prior Dates</u>	<u>Prior Dates</u>	<u>Prior Dates</u>	<u>Requested New Dates</u>
Trial	09/30/24	11/25/24	01/20/25	06/16/25
Pretrial Conf.	09/13/24	11/08/24	01/10/25	06/06/25
Initial Expert Disclosure Due	04/26/24	07/19/24	9/20/24	02/21/25
Rebuttal Expert Disclosure Due	05/10/24	08/09/24	10/11/24	03/12/25
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Expert Discovery Cutoff	06/07/24	08/23/24	11/01/24	04/01/25
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Post-Settlement Conf.	07/19/24	09/13/24	11/22/24	04/22/25
Trial Filings (1st Set)	08/16/24	10/11/24	12/13/24	05/09/25
Trial Filings (2nd Set)	08/30/24	10/25/24	12/27/24	05/23/25

1 Dated: September 11, 2024

By: /s/ Gregory B. Linkh

2 Ekwan E. Rhow (CA SBN 174604)
3 Marc E. Masters (CA SBN 208375)
4 Christopher J. Lee (CA SBN 322140)
5 **BIRD, MARELLA, RHOW,**
6 **LINCENBERG, DROOKS & NESSIM, LLP**
7 1875 Century Park East, 23rd Floor
8 Los Angeles, California 90067-2561
9 Telephone: (310) 201-2100
10 erhow@birdmarella.com
11 mmasters@birdmarella.com
12 cleec@birdmarella.com

13 Jonathan M. Rotter (CA SBN 234137)
14 Kara M. Wolke (CA SBN 241521)
15 Gregory B. Linkh (*pro hac vice*)
16 **GLANCY PRONGAY & MURRAY, LLP**
17 1925 Century Park East, Suite 2100
18 Los Angeles, California 90067-2561
19 Telephone: (310) 201-9150
20 jrotter@glancylaw.com
21 kwolke@glancylaw.com
22 glinkh@glancylaw.com

23 Kalpana Srinivasan (CA SBN 237460)
24 Steven Sklaver (CA SBN 237612)
25 Michael Gervais (CA SBN 330731)
26 **SUSMAN GODFREY L.L.P.**
27 1900 Avenue of the Stars, Suite 1400
28 Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
ksrinivasan@susmangodfrey.com
ssklaver@susmangodfrey.com
mgervais@susmangodfrey.com

Y. Gloria Park (*pro hac vice*)
SUSMAN GODFREY L.L.P.
One Manhattan West
50th Floor
Telephone: (212) 336-8330
Facsimile: (310) 336-8340
gpark@susmangodfrey.com

John W. McCauley (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
jmccauley@susmangodfrey.com

Attorneys for Plaintiffs

CERTIFICATE OF COMPLIANCE

The undersigned counsel for Plaintiffs certifies that this brief contains 2,170, which complies with the word limit of L.R. 11-6.1.

/s/ Gregory B. Linkh
Gregory B. Linkh (*pro hac vice*)

Exhibit A

<u>Completed Work</u>			
Date	Part y	Event	Explanation
5/26/23	π	Complaint [ECF No. 1]	
6/27/23	π	RFPs to Defendants (Set #1)	Motion to Compel granted in part; rolling production
7/24/23	Δ	Motion to Dismiss Complaint [ECF No. 24]	Granted in part and denied in part
8/1/23	π, Δ	Joint Rule 26(f) Discovery Plan [ECF No. 27]	
8/10/23	π, Δ	Stipulated Protective Order [ECF No. 33]	
8/11/23	π, Δ	Mandatory Scheduling Conference	
8/11/23	π, Δ	Stipulated ESI Discovery Order [ECF No. 34]	
8/18/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000000001-484.	
8/25/23	π	ROGS to Defendants (Set #1)	Initial and Amended Responses Provided
8/25/23	π	Letter to Defendants on Duty to Preserve ESI, including ESI to identify class members; to identify information collected from class members; to identify ways in which Defendants use information collected	Letters exchanged; motion to dismiss filed and granted
8/30/23	π	Subpoena to Build-a-Bear Workshop, Inc.	Response received
8/30/23	π	Subpoena to Etsy, Inc.	Meet and confer held
8/30/23	π	Subpoena to Hulu, LLC	Meet and confer held
9/1/23	Δ	RFPs to Plaintiff Griffith (Set #1)	Meet and confer held
9/1/23	Δ	ROGS to Plaintiff Griffith (Set #1)	Meet and confer held

Exhibit A

9/1/23	Δ	RFAs to Plaintiff Griffith (Set #1)	Meet and confer held
9/8/23	π, Δ	Mandatory Scheduling Conference and Technology Presentation	
9/8/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000000485.	
9/28/23	π	Motion to Compel Discovery Regarding Websites with TikTok SDK Installed, Damages Calculation, and Custodians [ECF No. 50]	Granted in part and denied in part
9/29/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000000486-1948.	
10/5/23	Δ	Plaintiff's production of documents bates numbered GRIFFITHTT000001-1731.	
10/6/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000001949-2632.	
10/18/23	Δ	Plaintiff's production of documents bates numbered GRIFFITHTT001732-51.	
10/20/23	π	First Amended Complaint [ECF No. 63]	
10/20/23	π	RFPs to Defendants (Set #2)	Meet and confer held
10/20/23	π	ROGS to Defendants (Set #2)	Meet and confer held
10/20/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000002633-2793.	

Exhibit A

10/24/23	π , Δ	Stipulated Order on Expert Discovery [ECF No. 65]	
10/27/23	π	Subpoena to Feeding America	Response received
10/27/23	π	Subpoena to Rite Aid Corp.	Response received
10/27/23	π	Subpoena to Upwork Global, Inc.	Response received
10/27/23	π	Subpoena to Vitamin Shoppe, Inc.	Response received
10/31/23	π	RFPs to Defendants (Set #3)	Meet and confer held
10/31/23	π , Δ	Agreement to negotiate custodians and search terms (in English and Chinese) for RFP Nos. 5, 6, 7, 8, 21, 35, 36, 42, 43, 51, 52, 56, and 58	Agreement reached on custodians; π awaiting from Δ agreement or hit counts on search terms
11/2/23	π	Subpoena to ByteDance, Ltd.	Meet and confer held
11/2/23	Δ	RFPs to Plaintiff Watters (Set #1)	Meet and confer held
11/2/23	Δ	ROGS to Plaintiff Watters (Set #1)	Meet and confer held
11/2/23	Δ	RFAs to Plaintiff Watters (Set #1)	Meet and confer held
11/2/23	Δ	RFPs to Plaintiff Shih (Set #1)	Meet and confer held
11/2/23	Δ	ROGS to Plaintiff Shih (Set #1)	Meet and confer held
11/2/23	Δ	RFAs to Plaintiff Shih (Set #1)	Meet and confer held
11/2/23	Δ	RFPs to Plaintiff Irvin (Set #1)	Meet and confer held
11/2/23	Δ	ROGS to Plaintiff Irvin (Set #1)	Meet and confer held
11/2/23	Δ	RFAs to Plaintiff Irvin (Set #1)	Meet and confer held
11/2/23	Δ	RFPs to Plaintiff Rauch (Set #1)	Plaintiff voluntarily dismissed

Exhibit A

11/2/23	Δ	ROGS to Plaintiff Rauch (Set #1)	Plaintiff voluntarily dismissed
11/2/23	Δ	RFAs to Plaintiff Rauch (Set #1)	Plaintiff voluntarily dismissed
11/6/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000002794-7820.	
11/8/23	Δ	Motion to Dismiss First Amended Complaint [ECF No. 71]	Granted in part and denied in part
11/9/23	π	Motion to Compel Discovery Regarding the Data Collected on Non-TikTok Users and Changes Made to the TikTok SDK [ECF No. 72]	Granted
11/10/23	π	RFPs to Defendants (Set #4)	Meet and confer held
11/10/23	π	Request to produce relevant documents hyperlinked in TIKTOK-BG-000002855-TIKTOK-BG-000003217	Production on 12/15
11/10/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000007821.	
11/20/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000007822-7830.	
11/30/23	π	RFPs to Defendants (Set #5)	Meet and confer held
11/30/23	π	ROGS to Defendants (Set #3)	Meet and confer held
12/1/23	π	Subpoena to Healthline Media LLC	As this appears to be a shell entity, subpoena was not pursued further.
12/1/23	π	Defendants' production of documents bates numbered	

Exhibit A

		TIKTOK-BG-000007831-7847.	
12/4/23	π	Notice of Voluntary Dismissal Without Prejudice by Matthew Rauch [ECF No. 80]	
12/11/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000007848-8273.	
12/12/23	π	Follow-up on integrity of Defendants' data identifying websites that have used the TikTok Pixel and TikTok Events API	Meet and confer held
12/12/23	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT001752-2074	
12/15/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000008274-10174.	
12/22/23	π	Motion to Modify Case Management Order and Continue Deadlines [ECF No. 82]	Granted
12/22/23	π	Defendants' production of documents bates numbered TIKTOK-BG-000010175-10176.	
12/26/23	Δ	Answer to First Amended Complaint [ECF No. 83]	
12/28/23	π	Subpoena to Sweetwater Sount Holdings	Responses and Objections Received
12/29/23	π	Notice of Class Certification 30(b)(6) Deposition	Topics Supplemented on 1/31/24
1/2/24	π	Subpoena to Advantage Sales & Marketing LLC	Received "No Records Found" Decl. of COR Received.

Exhibit A

1/2/24	π	Subpoena to Clear Link Technologies LLC	Received “No Records Found” Decl. of COR Received.
1/9/24	Δ	Plaintiffs’ production of documents bates numbered GRIFFITHTT002075-GRIFFITHTT002091, IRVIN-GRIFFITHTT000001-IRVIN-GRIFFITHTT000128, and SHIH-GRIFFITHTT000001 - SHIH-GRIFFITHTT000173.	
1/12/24	π	Plaintiffs’ Privilege Log	Meet and confer held
1/12/24	Δ	Defendants’ Privilege and Redaction Log	Meet and confer held
1/19/24	π	RFPs to Defendants (Set #6)	Meet and confer held
1/19/24	π	ROGS to Defendants (Set #4)	Meet and confer held
1/19/24	π	Defendants’ production of documents bates numbered TIKTOK-BG-000010177-117596.	
1/30/24	π	Subpoena to Recovery Centers of America	Responses and Objections Received
1/30/24	π	Subpoena to WebMD	Did not respond to subpoena; follow up correspondence sent by Plaintiffs.
1/30/24	π	Subpoena to Weight Watchers (WW International, Inc.)	Did not respond to subpoena; follow up correspondence sent by Plaintiffs.
1/30/24	π	Subpoena to Arizona Department of Health Services	Responses and Objections Received
1/30/24	π	Subpoena to Cerebral, Inc.	Responses and Objections Received
1/30/24	π	Subpoena to Girl Scouts of USA	Responses and Objections Received

Exhibit A

1/20/24	π	Subpoena to Maryland Department of Health	Responses and Objections Received
1/30/24	π	Subpoena to Planned Parenthood Federation of America, Inc.	Responses and Objections Received
1/31/24	π	Notice of 30(b)(6) Deposition	Three depositions scheduled.
2/2/24	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT002092 - GRIFFITHTT002115; IRVIN-GRIFFITHTT000129 - IRVIN-GRIFFITHTT000137; SHIH-GRIFFITHTT000174 - SHIH-GRIFFITHTT000182; and WATTERS-GRIFFITHTT000001 - WATTERS-GRIFFITHTT000609	
2/7/24	Δ	Defendants' Revised Privilege and Redaction Log	Correspondence between parties concerning revisions
2/14/24	π	Motion for the Enforcement of the November 27, 2023 Order and for Evidentiary Sanctions [ECF No. 96]	Granted in part and denied in part [ECF No. 117]
2/22/24	Δ	RFPs to Plaintiff Griffith (Set #2)	Responses and Objections Served
2/23/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000117597-118398.	
2/23/24	Δ	Plaintiffs' production of documents bates numbered WATTERS-	

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		GRIFFITHTT000610 - WATTERS- GRIFFITHTT000612.	
3/1/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000118399-118403.	
3/1/24	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT002116 - GRIFFITHTT002117; and SHIH-GRIFFITHTT000183 - SHIH- GRIFFITHTT000186	
3/11/24	π	Notice of 30(b)(6) Deposition (Set #2)	Deposition scheduled
3/15/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000118404-119520.	
3/18/24	π	RFPs to Defendants (Set #7)	Meet and confer held
3/18/24	π	ROGS to Defendants (Set #5)	Meet and confer Held
3/25/24	Δ	Defendants' Supplemental Redaction Log	
3/29/24	π	Motion to Compel Production of Current and Historical Source Code [ECF No. 121]	On 4/8/24, M.J. Eick ordered production of current and historical source code. [ECF No. 130]
3/29/24	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT002118- GRIFFITHTT002124	
4/3/24	π	RFPs to Defendants (Set #8)	Meet and confer held
4/5/24	π	Defendants' production of documents bates numbered	

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		TIKTOK-BG-000119521-123987.	
4/11/24	π	Second Amended Complaint, and stipulation regarding substitution of Philip Cantore for Rhonda Irvin. [ECF Nos. 131, 137]	Granted [ECF No. 136]
4/12/24	π, Δ	Unopposed Motion to Modify Case Management Order. [ECF No. 134]	Granted [ECF No. 142]
4/15/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000123987-124043.	
4/15/24	π	RFPs to Defendants (Set #9)	Meet and confer held
4/17/24	π	Application for Leave to File Motion to Enforce November 27, 2023 and March 18, 2024 Orders [ECF No. 141]	Application denied in part [ECF No. 145]
4/17/24	π	Rule 30(b)(6) Deposition of TikTok employee Dan Kirchgessner	
4/26/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000124044-131769.	
4/29/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000131770-137618.	
4/30/24	π	Motion to Enforce Court Order and for Evidentiary Sanctions [ECF No. 148]	Denied by M.J. Eick on May 6, 2024 [ECF No. 162]
5/1/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000137619-146457.	

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5/6/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000146458-147614.	
5/6/24	π	RFPs to Defendants (Set #10)	Meet and confer held
5/6/24		Defendants' supplemental redaction log for documents produced on April 5, 2024.	
5/10/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000147615-151843.	
5/10/24	π	RFPs to Defendants (Set #11)	Meet and confer held
5/15/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000151844-151847.	
5/17/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000151848-153089.	
5/17/24	π	Deposition of former TikTok employee Becca Wong.	
5/17/24	Δ	Second Set of RFPs and RFAs on Jacob Watters Leady, Bernadine Griffith, Patricia Shih Blough, and Philip Cantore	Meet and confer held
5/20/24	π	RFPs to Defendants (Set #12)	Meet and confer held
5/22/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000153090-153252.	
5/31/24	π	Defendants' production of documents bates numbered	

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		TIKTOK-BG-000153253-156649.	
6/3/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000156650-160817.	
6/5/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000160818-160829.	
6/5/24	π	Rule 30(b)(6) Deposition of TikTok employee Lizzie Li	
6/6/24	π	Defendants' production of documents bates numbered TIKTOK-BG- 000162562-162568.	
6/7/24	π	Defendants' production of documents bates numbered TIKTOK-BG- 000160830-162561.	
6/7/24	π	Rule 30(b)(6) Deposition of TikTok employee Branky Shao	
6/10/24	π	Defendants' supplemental redaction log for documents produced on May 10. 2024.	
6/11/24	π	Defendants' production of documents bates numbered TIKTOK-BG- 000162569-168980.	
6/12/24 and 6/13/24	π	Plaintiffs' experts conduct on-site inspection of Defendants source code	
6/13/24	π	Defendants' production of documents bates numbered TIKTOK-BG- 000168981-169033.	

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6/13/24	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT002125-2195.	
6/17/24	π	Defendants' supplemental redaction log for documents produced on May 15, 2024 and May 17, 2024.	
6/18/24	π	Rule 30(b)(6) Deposition of TikTok employee Simran Sahni	
6/21/24	π	Plaintiffs' Motion for Class Certification [ECF No. 177]	Denied on Sept. 9, 2024 [ECF No. 242]
6/21/24	Δ	Plaintiffs' production of documents bates numbered GRIFFITHTT002196-2240.	
6/21/24	π	Plaintiffs served Amended Initial Disclosures.	
6/25/24	π	Defendants' supplemental redaction log for documents produced on May 22, 2024.	
6/25/24	Δ	Deposition of named plaintiff Jacob Watters Leady.	
6/26/24	Δ	Deposition of named plaintiff Bernadine Griffith.	
6/27/24	Δ	Deposition of named plaintiff Patricia Shih Plough.	
6/28/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000169034-175590.	
7/2/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000175591.	
7/2/24	Δ	Deposition of Plaintiffs' technical expert Dr. Zubair Shafiq.	

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7/2/24	π	Defendants' supplemental redaction log for documents produced on May 31, 2024 and June 3, 2024.	
7/3/24	Δ	Deposition of Plaintiffs' damages expert Dr. Russell W. Mangum III.	
7/5/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000175592-179651.	
7/8/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000179652-179917.	
7/9/24	Δ	Deposition of Plaintiffs' claims administration expert Eric Schachter.	
7/14/24	π	Deposition of TikTok employee Yungfeng Wei.	
7/15/24	π	Defendants' supplemental redaction log for documents produced on June 11, 2024	
7/19/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000179918-220429	
7/19/24	π	Deposition of Defendants' technical expert Ron Schnell.	
7/19/24	π	Deposition of Defendants' privacy expert Dr. Andrew Stivers.	
7/22/24	π	Deposition of Defendants' damages expert Lauren Kindler.	
7/29/24	π	Defendants' supplemental redaction log for documents produced on June 28, 2024.	

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8/2/24	π	Motion for Sanctions for Data Spoliation. [ECF No. 204]	Denied without prejudice by M.J. Eick on 8/13/24 [ECF No. 219]
8/9/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000220430-290181.	
8/9/24	π	Defendants' supplemental redaction log for documents produced on July 9, 2024.	
8/14/24	π	ROGs to Defendants (Set #6)	Responses and Objections Due September 13, 2024.
8/14/24 and 8/16/24	π	Plaintiffs' experts conduct on-site inspection of Defendants source code	
8/16/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000290182-669887.	
8/19/24 to 8/21/24	π	Plaintiffs' experts conduct on-site inspection of Defendants source code	
8/23/24	π	Defendants' supplemental redaction log for documents produced on July 19, 2024.	
8/23/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000669888-746560.	
9/4/24	π	Defendants' production of documents bates numbered TIKTOK-BG-000746561-002532927.	
9/5/24	π	Defendants' production of documents bates numbered TIKTOK-BG-002532928 - 002532997.	
9/9/24	π	Defendants' production of documents bates numbered	

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		TIKTOK-BG-002532998 – 002906765.	
9/10/24	π	Defendants' production of documents bates numbered TIKTOK-BG-002906766 - 002944796.	
9/11/24	π	Deposition of TikTok employee Sheraz Amin	

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<u>Remaining Work</u>			
10/11/24	π	Complete inspection of Defendants' source code	<p>As indicated above, Plaintiffs source code experts have conducted on-site inspections of Defendants' source code on 6/12, 6/13, 8/14, 8/16, and 8/19-8/21. Given the nature and volume of the source code, additional inspection may be needed.</p> <p>M.J. Eick ordered Defendants to produce their source code (ECF No. 30). The parties agreed that the production would take the form of Defendants making the code available at their counsel's offices in Los Angeles. Accommodating this form of production has taken additional time.</p>
10/31/24	π	Review Defendants' recent document productions	<p>From August 9 to September 5, 2024, Defendants produced 200,259 documents spanning 2,312,568 pages. This represents more than 85% of Defendants' entire production to date by document count, and over 90% by page count. These document productions were unexpected and contrary to Defendants' prior agreement not to provide a "last-minute document dump" (ECF No. 134 at 14).</p> <p>Plaintiffs plan to use predictive-coding technology to expedite their review and analysis of these documents. Plaintiffs have begun review of the recent productions from August. But Plaintiffs anticipate it will take six to seven weeks to complete their review.</p>
11/15/24	π	Review additional documents to be produced by Defendants	<p>Defendants have stated that they plan to produce approximately 70,000 additional documents in the coming week(s). Plaintiffs plan to review these documents using predictive-coding technology. Based</p>

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			on Defendants' representations concerning volume, Plaintiffs anticipate this review will take approximately two weeks.
01/31/25	π	Notice and Take Depositions of Defendants' Employees and Former Employees	<p>Plaintiffs are planning to take at least the following depositions: Sandy Chang (Date TBD) Christian Bingham (Date TBD)</p> <p>Plaintiffs may identify additional deponents based on their review of Defendants' recent and forthcoming productions.</p> <p>Plaintiffs have also notified Defendants that they reserve the right to re-take certain depositions based on the recently produced documents.</p> <p>Additional time for this task will be required given the large number of documents Defendants recently produced.</p>
2/21/25	π	Prepare Merits Expert Reports	<p>Plaintiffs' experts will incorporate documents from Defendants' recent productions and depositions still to be taken into their analysis and merits reports.</p> <p>Additional time for this task will be required given the large number of documents Defendants have produced.</p>

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On September 11, 2024, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 11, 2024.

/s/ Gregory B. Linkh

Gregory B. Linkh